M E M O R A N D U M

DATE: February 2, 2006

TO: Circuit, District, Family, and Municipal Court Judges, County Clerks, Court Administrators, Clerks of the Court, Registers and Court Vendors.

FROM: Peggy Leece and Sandy Aguirre, Court Liaisons, Michigan Department of State

SUBJECT: Revisions to the Secretary of State Offense Codes

Pursuant to MCL 257.732a(c), upon posting of an abstract that an individual has been found guilty for a violation listed in this subdivision, the Secretary of State (SOS) must assess a $150.00 driver responsibility fee each year for two consecutive years for an offense under MCL 257.301.

When reviewing the SOS Offense Code list, some Offense Codes did not adequately reflect the correct Michigan Vehicle Code sections, resulting in improper driver responsibility assessments for citations written under MCL 257.904a, MCL 257.312a and MCL 257.312e. An initial review indicates few drivers are affected, yet corrective action is required and your prompt attention to this matter is appreciated.

The following changes are required to properly implement MCL 257.732a.

Offense Code 3010 - Drove While Unlicensed or License Not Valid. This description *has been changed* to read "Drove While License Not Valid or Improper License" written under MCL 257.301.

Offense Code 3020 - Drove w/o Proper License/Endorsement/Veh Group Designator. *This code has been eliminated.* SOS will not accept abstracts of convictions submitted for offense code 3020 effective February 1, 2006. If offense code 3020 is used after February 1, 2006, you will receive an error for "INV OFFENSE CODE". The court will need to resubmit the abstract with a valid offense code.

New **Offense Code 3011** – Drove While Unlicensed or Without Cycle Endorsement for offenses written under MCL 257.904a, MCL 257.312a(1) and (2). This offense is a misdemeanor, eligible for FAC/FCJ and will be assessed 2 points (This offense code *will not* generate any driver responsibility fee). Until Secretary of State has completed the programming for this new offense code, you will receive an error for "INV OFFENSE CODE", but no further action is needed by the court.

Please update your offense code tables accordingly to reflect these changes.

Because of these coding changes, the Department of State must verify the number of abstracts submitted under Offense Code 3010 and determine how many of those abstracts were for offenses under MCL 257.904a and MCL 257.312a, MCL 257312a(2) and their corresponding PACC codes 257.904A-A, 257.904A-B and 257.312A

Likewise, for Offense Code 3020, SOS must determine the number of abstracts submitted that were written under MCL 257.312e and MCL 257.312a, PACC codes 257.312E1, 257.312E5, 257.312E9, and 257.312A.

Each court is requested to run a report for each of the above-mentioned MCL/PACC codes to determine whether any such offenses were abstracted to the Secretary of State, since October 1, 2003. If so, in order to correct the driving record, please fax or email the list to your appropriate Court Liaison. Likewise, please also notify your Court Liaison if no cases were found.

You may have to contact your vendor for assistance in running your report. When running your report, you will need to enter the MCL/PACC code, offense code, and disposition date of October 1, 2003, through the current date. The report must provide a list that includes driver's license number, name and birth date.

Please fax or email your lists to court Liaison Peggy Leece at 810.760.2524/email leecep@michigan.gov or Sandy Aguirre at fax number 517.322.5458/email aguirres@michigan.gov who will see that driving records are corrected and improper assessments refunded. *Please keep in mind that assessments will not be refunded if monies are owed to Michigan Department of Treasury for other outstanding debts.*

If you have any questions please call Peggy Leece at 810.760.2961 or Sandy Aguirre at 517.636.0129.

Thank you in advance for your assistance.